

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, February 6, 2025 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Julia Hogan at 6:00 p.m.

Members present were: Julia Hogan, Garrett Johnson, Kenneth Engen, Jim Cihak

Members absent were: Matt Purfeerst

Staff present were: Senior Planner Jeremy Edwards, Administrative Coordinator Anna Aguilar, Office Support Specialist MacKenzie Klett.

Others present: see Sign-in Sheet and Registrant List.

B. Motion by Garrett Johnson, seconded by Ken Engen, reading of the Notice

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

C. Motion by Ken Engen, seconded by Jim Cihak, Approval of the Agenda

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

D. Motion by Garrett Johnson, seconded by Ken Engen, to approve the minutes of January 9, 2025

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

II. New Business

1. Variance/Scheffler - Section 33, Wheatland Township

Travis Scheffler has applied for the following variance:

- A 40-ft variance from the 100-ft Road Right of Way (ROW) setback to allow for renovation of an existing home. The renovated home will be 60-ft from the ROW of Union Lake Trail.

The property is described as: Part of the N1/2 of the SE1/4, Section 33, Wheatland Township, Rice County, Minnesota. PID# 01.33.4.25.001. Property address: 10255 Union Lake Trail, Lonsdale, MN 55046. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Ken Engen, to approve the Variance request with the following conditions and findings for Travis Scheffler. The property is located in Section 33 of Wheatland Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Scheffler

1. The variance is to allow for remodeling/repair work exceeding 50% of the assessed value of the existing home located 60-ft from the Road Right of Way (ROW), subject to compliance with all other Ordinance regulations.
2. Applicant submitted site plan/building plans shall be followed.
3. A compliant septic system must be installed by no later than July 1, 2025.
4. Variance shall be void if permit(s) are not obtained within one year of the variance approval.
5. Failure to comply with the terms of this variance may result in termination of the Variance.

**-----
Hearing Minutes:**

Senior Planner, Jeremy Edwards (JE) presented the request to the Board of Adjustment (BOA).

The BOA asked the applicant, Travis Scheffler (TS), to come forward to add comments or answer questions regarding the request.

TS - I am asking for this 40ft variance. All I want to do is take an existing home, it's 100 years old, but

it has good bones and structure. I just want to fix it up and basically just make it into a livable house and move my family out there. I am also one of the brothers that bought the 120 acres around there.

JH - Are you aware of the 5 conditions associated with this variance?

TS - Yes, I am.

Chair Hogan opened the public testimony portion of the item to the public and no one spoke.

Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

JH - It is an older home, and you can't control the Right of Way being expanded. We have been seeing that throughout the county over the years. The Right of Way gets expanded on and then existing homes run into that issue of wanting to expand and having a shortage because of the Right of Way.

JC - This is pretty much in my backyard and I can't see any reason why we wouldn't want to grant it at this point. Subject to the conditions, of course.

GJ - I motion to approve.

KE - I second.

The Board of Adjustment reviewed the variance application and found that the applicant has established that all of the following criteria from Section 503 of the Zoning Ordinance are met by this proposal:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan? **Yes***
- *The proposed use is an allowed use in the zoning district in which the property is located? **Yes***
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance? **Yes***
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance? **Yes***
- *The plight of the landowner is due to circumstances unique to the property not created by the landowner? **yes, existing house for renovation.***
- *The variance, if granted, will not alter the essential character of the locality? **Yes***
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone? **yes***

The findings were read by GJ with the conditions as stated above and with the following additions by staff:

JE - In addition to it being an existing building, they are not proposing to expand the building any closer to the road than it currently is.

Motion made, seconded, and approved unanimously.

2. Variance/Metzdorff - Section 33, Morristown Township

Thomas Metzдорff has applied for the following variances:

- A variance from the number of detached buildings on a riparian parcel to allow for a relocated storage building.
- A 4-ft variance from the 14-ft height limitation to allow for a relocated storage building with an 18-ft peak height.

The property is described as: The E1/2 of the W1/2 of the SW1/4, Section 33, Morristown Township, Rice County, Minnesota. PID# 13.33.3.25.003. Property address: 10833 270th Street West, Waseca, MN 56093. The property is Zoned NES, Natural Environment Shoreland.

Motion by Ken Engen, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Thomas Metzдорff. The property is located in Section 33 of Morristown Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Metzдорff

1. The variance is to allow for relocation of an existing onsite shed with an 18-ft peak height on the property, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. The proposed building shall be for agricultural use only and will not be used for any residential, business or other uses. Any future change in use will require a new variance and building permitting.
4. Variance shall be void if a permit for the proposed shed is not obtained within one year of the variance approval.
5. Failure to comply with the terms of this variance may result in termination of the Variance.

----- Hearing Minutes:

Senior Planner Jeremy Edwards (JE) presented the request to the Board of Adjustment (BOA).

KE - So the lake is designated a lake, but it doesn't really have any open water at all?

JE - Correct, it is more of a marsh land.

The BOA asked the applicant, Kris Metzдорff and Josh Metzдорff (JM), to come forward to add comments or answer questions regarding the request.

JM - Taking an existing Lester pole building that's been used as a shed and moving it down to where the original building site was. It is going to be repurposed into a hay shed. We have more animals now, so we need more hay storage to hopefully keep it out of the rain.

JH - So is the newer shed, that already had a variance approved, your main garage space in that area now?

JM - That is actually a horse barn.

JH - Are you aware that one of the conditions to this is it has to be strictly agricultural? This can't be used for any residential or business use.

JM - Yes, this is going to be for hay. We are actually going to take the ends off so it will be a drive through hay shed.

Chair Hogan opened the public testimony portion of the item to the public and no one spoke.

Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

GJ - This looks pretty easy. It's a large agricultural lot basically, it just happens to be lakefront.

JH - And unfortunately, there are those unique properties that technically are riparian, but they act more as agricultural. We do have a couple of those outliers.

GJ - Yes, for sure.

JC - I agree.

KE - I motion to approve.

GJ - I second.

The Board of Adjustment reviewed the variance application and found that the applicant has established that all of the following criteria from Section 503 of the Zoning Ordinance are met by this proposal:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan? **Yes***
- *The proposed use is an allowed use in the zoning district in which the property is located? **Yes***
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance? **Yes***
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance? **Yes***
- *The plight of the landowner is due to circumstances unique to the property not created by the landowner? **Yes***
- *The variance, if granted, will not alter the essential character of the locality? **Yes***
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone? **Yes***

The findings were read by KE with the conditions as stated above and with the following additions by staff:

JE: The new location of the building will be 1000ft away from the lake.

Motion made, seconded, and approved unanimously.

3. **Variance/Gersemehl - Section 3, Warsaw Township**

Matthew Gersemehl, on behalf of landowner Cannon Lake Cabins LLC, has applied for the following variances:

- A 35-ft variance from the 75-ft lake setback to allow for replacement of a cabin. The replacement cabin will be located 40-ft from the Ordinary High Water (OHW) mark of Cannon Lake.
- A 30-ft variance from the 50-ft Road Right of Way (ROW) setback to allow for replacement of a cabin. The replacement cabin will be located 20-ft from the ROW of Cannon Lake Trail.

The property is described as: Part of Government Lots 2 and 3 in the NW1/4 of Section 3, Warsaw Township, Rice County, Minnesota. PID#s 14.03.2.75.003 and 14.03.2.75.905. Current cabin address is: 3646 Cannon Lake Trail, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Garrett Johnson, seconded by Jim Cihak, to approve the Variance request with the following conditions and findings for Matthew Gersemehl, on behalf of landowner Cannon Lake Cabins LLC. The property is located in Section 3 of Warsaw Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Gersemehl

1. The variance is to allow for a 594-sqft cabin with a height of less than 17-ft from the elevated ground elevation to replace the existing cabin and canoe shed structures on the property. The replacement cabin is to be 20-ft from the Road Right of Way and not closer to the lake than the existing cabin, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed, except that the building size shall not exceed 594-sqft.
3. At least 50-ft of the lot's shoreline within 10-ft landward of the water shall be established and maintained in a natural condition as an un-mowed native vegetative lake buffer.

4. Tree removal must be limited to the minimum amount necessary for the construction and maintenance of the new building.
5. Prior to issuance of a final certificate of occupancy for the new structure a certificate of survey verifying that the as built lowest floor elevation is meeting the required 982.8-ft elevation requirement shall be submitted to Rice County Environmental Services.
6. Variance shall be void if a building permit for the proposed structure is not obtained within one year of the variance approval.
7. The existing cabin and canoe shed structures being replaced shall be removed.
8. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

Senior Planner Jeremy Edwards (JE) presented the request to the Board of Adjustment (BOA).

JH - I know that they are going away with the canoe shed so they can add square footage to the cabin making it not exceed 594-sqft, or whatever is in the report. This might be a question for the applicant, but you may have some context for it as well. In the site plan that they proposed, it shows that the new cabin is 616-sqft. I am just wondering if they decreased that?

JE - I believe that there was some discussion with them regarding that. I believe that there was kind of a mix up with the original plan that they submitted but they have provided us with refined numbers since then.

JH - Okay, sounds good.

The BOA asked the applicant, Matthew Gersemehl (MG), to come forward to add comments or answer questions regarding the request.

MG - I am the owner of 3646 Cannon Lake Trail. As JE mentioned, the plan did change. It actually was a minor measuring error on the canoe shed. The premise is still the same, knocking down the canoe shed that is 108-sqft and adding that square footage to the sides of the cabin. This allows the cabin width to increase by about 5ft. The structure will be no closer to the road or to the lake. There is plenty of room on the side setbacks for this to work. The goal is to raise it up above 982.8ft. We have a site survey that is going to help us with that elevation. I believe that this is just the first step in the process to repair this cabin, which was underwater. The water level was all the way up to the windows on the front of the cabin, and it sat there for about 10 days. Any other questions I am happy to answer. Thank you.

JH - Are you aware of the 8 conditions associated with the variance?

MG - I am, yes.

Chair Hogan opened the public testimony portion of the item to the public and no one spoke.

Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

KE - Like JE was saying, I believe this was the third one in this section that we have discussed now.

JH - And to their benefit they aren't encroaching further to the lake or road. There are other co-ops within the county that have a single parcel with a lot of cabins on it, so they don't really have to worry about side yard setback concerns. This is similar to that. I think getting rid of the canoe shed will help them add square footage to the cabin, which is beneficial to them. Down side with the flooding from this past summer.

GJ - I think this is a good option. I motion to approve.

JC - I second.

The Board of Adjustment reviewed the variance application and found that the applicant has established that all of the following criteria from Section 503 of the Zoning Ordinance are met by this proposal:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan? **Yes***
- *The proposed use is an allowed use in the zoning district in which the property is located? **Yes***
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance? **Yes***
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance? **Yes***
- *The plight of the landowner is due to circumstances unique to the property not created by the landowner? **Yes***
- *The variance, if granted, will not alter the essential character of the locality? **Yes***
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone? **Yes***

The findings were read by GJ with the conditions as stated above and with the following additions by staff:

JE: There is another structure just down the road from this one that was elevated due to a variance prior to the flooding, and it did not suffer flood damage. Raising to this new elevation should hopefully protect it in the future.

Motion made, seconded, and approved unanimously.

4. **Variance/Trnka - Section 29, Forest Township**

Steven and Elaine Trnka have applied for the following variance:

- A 50-ft variance from the Road Right of Way (ROW) setback to allow for a proposed home to be located 50-ft from the ROW of Echo Ave.

The property is described as: Part of the SE1/4 of the SE1/4, Section 29, Forest Township, Rice County, Minnesota. PID# 06.29.4.25.001. Property address: 13800 Echo Avenue, Lonsdale, MN 55046. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Steven and Elaine Trnka. The property is located in Section 29 of Forest Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Trnka

1. The variance is to allow for a new dwelling to be located 50-ft from the Road Right of Way of County Road 9, subject to compliance with all other Ordinance regulations.
2. Applicant submitted site plan/building plans shall be followed.
3. Variance shall be void if permit(s) are not obtained and construction has not begun within one year of the variance approval.
4. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

Senior Planner Jeremy Edwards (JE) presented the request to the Board of Adjustment (BOA).

JH - Did you talk to the Highway department and ask why this area of Echo is so much more extended compared to other areas of the road Right of Way?

JE - It was a historic practice to actually acquire large Right of Ways when roads were being constructed. Nowadays, the modern technique is to just get a temporary easement for equipment storage. This is just one of those older cases. I do believe that the applicant is working with the Highway Department and trying to get some of that Right of Way returned, but that is an ongoing process.

JH - The Highway Department doesn't have an issue with this variance?

JE - They reviewed it and there was an original proposal that had the driveway being closer to the intersection with the township and county road, and they were able to work things out to move the driveway further back.

The BOA asked the applicant, Steven and Elaine Trnka (ST & ET), to come forward to add comments or answer questions regarding the request.

ST - Like JE said, it is an abnormally wide Right of Way and actually the widest part that showed up on that map is 250ft from the center of the road. Where we are looking to build is 125ft Right of Way. If the Right of Way would line up to the north and south, we probably wouldn't even be here or only requesting about a 5ft variance.

JH - Are you aware of the 4 conditions associated with this variance?

ST - Yes.

Chair Hogan opened the public testimony portion of the item to the public and no one spoke.

Chair Hogan closed the public testimony portion of the item to the public.

Discussion:

JH - This is a unique property in that aspect, and I do understand why they want to preserve agricultural land. That is part of the county's comprehensive plan. We want to preserve as much agricultural land as possible. Utilizing this area of the parcel makes sense.

KE - Yes it does.

JH - It's tough that that portion of Echo has such a wide Right of Way.

KE - Extremely wide right of way.

JH - And it sounds like the applicant is working with the county to maybe do something about that. But I think the applicant is choosing the best spot that they can in that part of that parcel.

GJ - Yes, obviously working with the Highway Department. Driveway problems are taken care of.

JH - They came to a conclusion about access off of that township road so it doesn't interfere with the county roadway.

JC - I don't have any other questions. I am familiar with the area and so is ST. I think he has been there his whole life, so there shouldn't be any surprises other than it is strange to have that wide of a Right of Way on a county road.

KE - I motion to approve

GJ - I second

The Board of Adjustment reviewed the variance application and found that the applicant has established that all of the following criteria from Section 503 of the Zoning Ordinance are met by this proposal:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan? **Yes***
- *The proposed use is an allowed use in the zoning district in which the property is located? **Yes***
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance? **Yes***
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance? **Yes***

- *The plight of the landowner is due to circumstances unique to the property not created by the landowner? **Yes, overly large right of way***
- *The variance, if granted, will not alter the essential character of the locality? **Yes***
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone? **Yes***

The findings were read by KE with the conditions as stated above and with no additions by staff.

Motion made, seconded, and approved unanimously.

III.

Adjournment

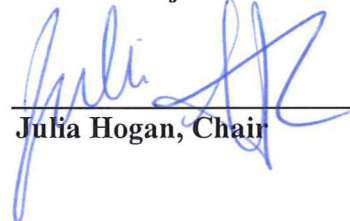
Hearing no other items before the BOA, a motion was made by GJ, second by JC, to adjourn the meeting at 6:31 pm. Motion carried 4-0.

Respectfully Submitted



MacKenzie Klett
Office Support Specialist

Board of Adjustment



Julia Hogan, Chair